

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MERRILL LYNCH BUSINESS FINANCIAL
SERVICES INC.,

Plaintiff,

-against-

ARTHUR KUPPERMAN; E. ROSS BROWNE;
PAULETTE KRELMAN; PGB
INTERNATIONAL, LLC; and J.P. MORGAN
CHASE BANK, NATIONAL ASSOCIATION,

Defendants.

Case No. 06-Civ-4802 (DMC)

NOTICE OF MOTION

TO: A. Michael Covino, Esq.
BUDD LARNER P.C.
150 John F. Kennedy Parkway
Short Hills, New Jersey 07078
*Attorneys for Defendant
Arthur Kupperman*

Paul H. Schafhauser, Esq.
HERRICK FEINSTEIN, LLP
One Gateway Center, 22nd Floor
Newark, New Jersey 07102
*Attorneys for Defendant/ Cross-Claim Plaintiff/ Counter-Claim Plaintiff
J.P. Morgan Chase Bank, N.A.*

PLEASE TAKE NOTICE that the undersigned attorneys for plaintiff Merrill Lynch Business Financial Services Inc. ("MLBFS") will apply before the Honorable Judge Dennis M. Cavanaugh of the District of New Jersey at the Post Office and Courthouse Building, 50 Walnut Street, Newark, New Jersey, in Courtroom 4, on October 30, 2009, at 2:30 p.m., or as soon thereafter as counsel can be heard, for an Order pursuant to Federal Rule of Civil Procedure 56

granting Summary Judgment in favor of MLBFS and against defendant J.P. Morgan Chase Bank, N.A. ("Chase") on the issue of MLBFS's first priority right over the assets of PITTRA that have been fraudulently transferred to PGB. MLBFS had the exclusive security interest over the assets of PITTRA, and because those assets were fraudulently conveyed to PGB, MLBFS is entitled to priority with respect to Chase as to PGB assets. In further support of this motion, MLBFS relies upon the Second Amended Verified Complaint of MLBFS filed on December 27, 2007 (docket entry #227 in this matter), the Rule 56.1 Statement of Uncontested Material Facts In Support of Plaintiff's Motion For Summary Judgment against Kupperman, filed contemporaneous herewith, and will supplement this motion with a Memorandum of Law and a Supplemental Rule 56.1 Statement.

Dated: New York, New York
September 30, 2009

VEDDER PRICE P.C.

By: s/ Randall M. Lending
Randall M. Lending
Michael M. Eidelman
Michael J. Goettig (MG 2771)
1633 Broadway, 47th Floor
New York, New York 10019
(212) 407-7700

Attorneys for Plaintiff
Merrill Lynch Business Financial Services,
Inc.